

LABOUR DEPARTMENT

The 19th September, 1985

No 9/5/84-6Lab./7834.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Curewell (India) Ltd., Plot No. 2, Sector 6, Faridabad:—

BEFORE SHRI R. N. BATRA,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 459/1982

between

SHRI MOHAR KHAN, WORKMAN AND THE
MANAGEMENT OF M/S CUREWELL (INDIA)
LTD., PLOT NO. 2, SECTOR-6,
FARIDABAD

Present:

Shri H. R. Dua, for the workman.

Shri S. L. Gupta along with Shri H. L.
Kapoor, for the management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between Shri Mohar Khan, workman and the management of M/s Curewell (India) Ltd. Plot No. 2, Sector 6, Faridabad, to this Tribunal for adjudication:—

Whether the termination of service of Shri Mohar Khan was justified and in order? If not, to what relief is he entitled?

2. Notices were issued to both the parties. The claimant in his demand notice, dated 24th August, 1982, alleged that he was served with a false and fabricated charge-sheet, dated 25th December, 1980, which was replied by him. It was further alleged that the management appointed the Enquiry Officer, who held the enquiry in gross violation of the principles of natural justice. It was further alleged that the enquiry was partly held at Delhi and the place

of enquiry was then shifted to Faridabad. It was also alleged that the impugned order, dated 23rd March, 1982, terminating the services of the claimant was liable to be set aside and that the claimant was entitled to reinstatement with full back wages.

3. The management in its written statement, dated 20th January, 1983 and 23rd August, 1984 pleaded that the claimant was charge-sheeted for serious acts of mis-conduct and that a regular domestic enquiry was held against him by the Enquiry Officer. It was further pleaded that the claimant participated in the enquiry throughout and cross-examined the witnesses produced by the management and further that the claimant produced his evidence in defence. It was pleaded that the charges were proved against the claimant, when the second show-cause notice was given to the claimant, but he did not submit his reply and that since the charges against the claimant were of serious nature, he was dismissed from service on 23rd March, 1982.

4. The claimant in his rejoinder reiterated the pleas taken in the demand notice.

5. On the pleadings of the parties, the following issues were framed on 6th September, 1984:—

(1) Whether the enquiry is fair and proper as pleaded? OPM

(2) Whether the termination of service of Shri Mohar Khan was justified and in order? If not, to what relief is he entitled?

OPM

6. It may be mentioned that the management examined two witnesses and documents, Exhibits M-1 to M-33, have been tendered into evidence. The claimant appeared in the witness-box and documents, Exhibits W-1 to W-15, have been tendered into evidence. After going through the entire evidence and hearing the representatives of both the parties, my findings on the above issues are as under:—

ISSUE NO. 1:

7. The management has examined Shri V. K. Dewan, Enquiry Officer, who stated that he was appointed as Enquiry Officer,—vide letter, Exhibit M-1 to enquire into the charges mentioned in charge-sheet, Exhibit M-2. He further stated that document, Exhibit M-3 was

the explanation given by the claimant to that charges and that he held the enquiry. He further stated that the document, Exhibit M-4 contained the enquiry proceedings and that documents, Exhibits M-5 to M-27 were produced during the enquiry. He further stated that Exhibit M-28 was the enquiry report submitted by him and that the claimant participated in the enquiry throughout and was represented by Shri Sat Parkash. He also stated that the witnesses of the management were examined in the presence of the claimant and his representative, who were cross-examined by the claimant and that the defence evidence was also led by the claimant. He also stated that the enquiry report was based on the evidence produced before him and that charges Nos. 3 and 6 were not proved while the remaining charges stood proved as mentioned in the report, Exhibit M-28. MW-2. Shri Virender Kumar, Secretary of the Company, stated that on receipt of the enquiry report, the file was put up before the Joint Managing Director, when the second show-cause notice, Exhibit M-29 was issued to the claimant and that Exhibit M-30 was the A.D. receipt. He further stated that no reply was received from the claimant when the dismissal order, Exhibit M-31 was passed by the Joint Managing Director and that Exhibit M-32 was the A.D. receipt. He further stated that document, Exhibit M-33 contained conciliation proceedings.

8. The claimant has appeared as WW-1 and stated that he was employed in the respondent Factory on 3rd/4th February, 1972 and was getting Rs. 500 per month as wages. He further stated he remained General Secretary of the Union up to 1978 which was formed by him and one Shri Prabhāsh Chand in 1975. He further stated that his union activities were not relished by the Management and that he was charge-sheeted, which contained the false charges. He further stated that the enquiry was also held against him, but no list of witnesses was given to him by the Enquiry Officer nor he was permitted to bring his representative in the enquiry. He further stated that the enquiry was held in the Delhi Branch of the respondent and that his oral objection in this respect was not accepted. He further stated that no conveyance charges were paid to him for going to Delhi and coming back to Faridabad. He also stated that letter's, Exhibits W-2 to W-13 were written by him to the management and that documents, Exhibits W-14 and W-15 were the postal receipts. He then stated that his services had been terminated in a revengeful spirit.

9. A perusal of the above evidence would show that the charge-sheet, Exhibit M-2 was served on the claimant containing eleven charges and after obtaining his reply, the enquiry was held. The document, Exhibit M-4 contained the enquiry proceedings, which show that the management examined 12 witnesses (MW-1 to MW-12), while the claimant himself appeared before the Enquiry Officer and examined two witnesses. This document shows that the claimant fully participated in the enquiry throughout and he was represented by Shri Satya Parkash and further that witnesses produced by the management were cross-examined by the claimant and his representative. This document further shows that day-to-day proceedings were signed by the claimant and the copies, thereof were supplied to him. The enquiry report, Exhibit M-28 shows that all the charges except charges Nos. 3 and 6 were proved against the claimant. The Enquiry Officer has discussed the entire evidence in detail and also took into consideration the defence evidence led by the claimant and thus found that the charges Nos. 3 and 6 were not proved against the claimant, while the remaining charges stood proved against him. I have gone through the enquiry proceedings, Exhibit M-4 and enquiry report, Exhibit M-28 and no interference with the findings given by the Enquiry Officer is called for because the findings are based on evidence.

10. It was argued on behalf of the claimant that the list of witnesses was not supplied to him. At page 3 of the enquiry proceedings, Exhibit M-4, the claimant as well as the representative of the management made their statements to the effect that they did not require the list of witnesses from each other and would produce their witnesses at the appropriate time. Shri Satya Parkash, representative of the claimant on 7th March, 1981. Consequently, there is no force in the argument because the claimant himself agreed that both the parties should not supply the list of witnesses to each other, as mentioned above.

11. It was then argued that the claimant was not allowed to bring Shri V. K. Sachhar as his representative. As already mentioned above, Shri Satya Parkash was his representative who is General Secretary of the Union. According to provisions of Clause 18.2(a) of the Certified Standing Orders of the respondent, Exhibit M-16, the workman could be assisted by another workman in the enquiry. Since the

claimant was being represented by Shri Satya Parkash, a co-worker, who was General Secretary of the Union, therefore, the claimant was not allowed by the Enquiry Officer to bring any outsider as his representative. The argument, therefore, fails.

12. It was also argued that the enquiry was partly held at Delhi and partly at Faridabad. No complaint in this respect in writing was made by the claimant because he has stated that he had made an oral objection. If the claimant had any grievance, he must have made the complaint in writing. Moreover, he and his representative were paid conveyance allowance as stated by Shri V. K. Dewan in his cross-examination. The argument, therefore, fails.

13. It was then argued that the claimant was not given full opportunity to produce his defence evidence. As already mentioned above, the claimant appeared in the witness-box and examined two witnesses and then closed his evidence on 4th September, 1981.

14. In view of the above discussion, it is held that the enquiry was fair and proper. The issue is decided accordingly in favour of the management.

ISSUE NO. 2:

15. In issue No. 1 it has been found that the enquiry was fair and proper and that the Enquiry Officer based his findings on the evidence led before him. The second show-cause notice, copy, Exhibit M-29, was sent to the claimant on 6th March, 1980 which was received by him,—*vide* A.D. receipt, Exhibit M-30, but the claimant did not send any reply and ultimately the order of dismissal, Exhibit M-31, was passed on 23rd March, 1982.

16. It was argued on behalf claimant that the copy of the enquiry report was not supplied to the claimant alongwith second show-cause notice and as such the enquiry was vitiated. Firstly, the claimant did not give any reply to the second show-cause notice. Secondly, in the ruling reported as *M/s Tannery and Footwear Corporation of India, Ltd., v. State of U.P. and others*, 1979, Lab. I.C. 1434, it is laid down that failure to supply the copy of the enquiry report did not amount to violation of principles of natural justice.

17. It was argued by the representative of the claimant that punishment awarded to the claimant was disproportionate to the charges levelled against him and that the enquiry was held against the claimant alone being General Secretary of the Union, while no enquiry was held against the other workers who were mentioned in the charge-sheet, Exhibit M-2, which showed that the claimant was victimised by the management for his trade union activities. It was also argued that the previous record of the claimant was not taken into consideration, while awarding the punishment which act of the management was in violation of the condition in clause 18(2)(g) of the Certified Standing Orders, Exhibit M-17. The representative of the management on the other hand argued that the charges levelled against the claimant justified his dismissal. Reliance was placed on the ruling reported *Bengal Bhatdee Coal Company and Ram Prabesh Singh and other*, 1963 1 LLJ 291 in which it is laid down that the dismissal of the workmen who obstructed the willing workers from doing their work during the strike, was justified. Reliance was also placed on the ruling reported as *Lalla Ram v. Management of D.C.M. Chemical Works Ltd. and another*, 1978, Lab. I.C. 716 in which it is laid down that in proceedings under Section 33(2)(b) of the Industrial Disputes Act, 1947, the jurisdiction of the Industrial Tribunal has to find as to whether the *prima facie* case for dismissal was based on legal evidence adduced before the Enquiry Officer was made out or not. After hearing the arguments of both the parties, it is apparent that the management should have taken into consideration the previous record of the claimant before awarding the punishment as contained in clause 18(2)(g) of the Certified Standing Orders, Exhibit M-16. The ruling reported as 1963-1-LLJ, page 291 (*supra*) is distinguishable on facts because in that case the enquiry was held against all the workers, who participated in the strike, and not against one worker only as in the present case. The ruling reported as 1978 Labour Industrial Cases, page 716 (*supra*) is distinguishable on facts because the same relates to the proceedings under Section 33(2)(b) of the Industrial Disputes Act, 1947. Consequently, the provisions of Section 11-A of the Industrial Disputes Act, 1947, were not taken into consideration in that case. It is thus apparent that the management did not wish to dismiss the other workers but dismissed the claimant by holding the enquiry against him alone because

he was General Secretary of the Union. Consequently, while awarding the punishment, there can be no discrimination between the claimant and the other workers. The impugned order of dismissal, therefore, deserves to be set aside. Keeping in view the serious charges proved against the claimant, the ends of justice would be met if the claimant is given lump sum compensation equal to three years' wages drawn by him on 23rd March, 1982 in lieu of reinstatement. The award is passed accordingly.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 6th September, 1985.

Endorsement No. 723, dated 9th September, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 20th August, 1985

No. 9/5/84-6Lab./6973.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of the Chief Executive Officer, Khadi and Village Industries Commission-3, Erla Road, Vile Parle (West), Bombay-56:—

BEFORE SHRI R. N. BATRA,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 118/1982

between

THE MANAGEMENT OF THE CHIEF EXECUTIVE OFFICER, KHADI AND VILLAGE INDUSTRIES, COMMISSION-3, ERLA ROAD, VILE PARLE (WEST), BOMBAY-56, AND ITS WORKMEN

Present:

Shri Rajeshwar Nath for the workmen.

Shri K. K. Dewan for the management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute between the management of the Chief Executive Officer, Khadi and Village Industries Commission-3, Erla Road, Vile Parle (West), Bombay-56 and its workmen, to this Tribunal for adjudication:—

Whether Shri Vijay Singh, Supervisor (Match) should be appointed as Supervisor-I with effect from 5th May, 1962 in the pay scale of Rs. 380—640 ? If so, with what details ?

2. Notices were issued to both the parties. The claimant in his claim statement, dated 4th June, 1982, alleged that he was selected by the Member Incharge (Match Industries), Khadi and Village Industries Commission, Headquarters Sodepur, West Bengal, for undergoing training in the Cottage Match Industry on 26th July, 1959 and that during the six months course of training, the claimant being a Graduate was given stipend of Rs. 60 per month while non-Graduate trainees were given stipend of Rs. 45 per month. It was then alleged that, on completion of the training, the claimant was appointed as Propaganda Officer in the Cottage Match Industry, Khadi and Village Commission on a consolidated salary of Rs. 100 per month on 27th June, 1969/7th July, 1969. It was also alleged that Shri B. S. Sammana, who was a Graduate was also given Rs. 100 per month as Propagandist on 16th December, 1961, whereas the other trainees were given consolidated salary ranging between Rs. 60 to Rs. 80 per month, while some of them were employed on daily wage basis. It was then alleged that the claimant was made Incharge of Cottage Match Industry, Bihar State, Khadi and Village Industries Commission, Headquarters at Lohikatra, Patna. It was further alleged that as per decision of the Khadi and Village Commission, the staff working in the propaganda scheme was later on absorbed in the regular establishment of Khadi and Village Industries Commission, vide letters dated 5th March, 1963/29th May, 1963. It was further alleged that according to these letters, propaganda staff drawing a salary below Rs. 100 per month was regularised in the pay

scale of Rs. 60—130 as Supervisor-V (now grade III) and those getting Rs. 100 and above per month were regularised in the pay scale of Rs. 80—220 as Supervisor-IV (now grade II). It was given the post of Supervisor-V due to which larised as Supervisor-IV, whereas the claimant was given the post of Supervisor-V due to which the claimant raised a protest on 5th March, 1963, by sending his representation to the Khadi and Village Industries Commission, praying that the claimant be given the post of Supervisor-III (now grade-I) with effect from 5th May, 1962, when the claimant was informed on 16th September, 1963, that the case of the claimant was under consideration of the Commission. It was then alleged that the claimant sent reminder and ultimately, the Director (Match) Khadi and Village Industries Commission, Bombay, promoted the claimant to the post of Supervisor-IV (now grade II) on 13th October, 1965 while the claimant had represented that he should be promoted as Supervisor-III (now grade I) from the initial stage, i.e., 5th May, 1962. It was also alleged that the claimant made a representation on 8th March, 1965, when he was informed,—vide letter, dated 26th May, 1977 that his case was under consideration. It was then alleged that after waiting for few months, the claimant made an appeal to the Chairman of Khadi and Village Industries Commission, when the claimant was informed,—vide letter, dated 28th June, 1978 by the Chief Executive Officer, Khadi and Village Industries Commission, to the effect that the appointment of the claimant to the post of Supervisor IV (now grade II) in the initial stage was quite in order. It was then alleged that the claimant should have been appointed Supervisor-III (now Grade-I) from the date of initial appointment and that the claimant approached for review of the case,—vide letter, dated 20th July, 1978. It was also alleged that Khadi Commission Karamchari Union, Ambala, took up the case of the claimant on 16th June, 1978, 18th October, 1978, and 2nd January, 1979, when the Union was informed on 8th February, 1979, that the case of the claimant was seen by the Chairman of the Commission, when the Union again wrote letters to the Commission between 2nd March, 1979 and 23rd July, 1980. It was prayed that the claimant be made Supervisor-III (now grade I) with effect from 5th May, 1962 in the pay scale of Rs. 380—650.

3. The respondent Commission in its written statement, dated 19th August, 1982

pleaded *inter alia* that the claim petition was not maintainable as the alleged dispute was not covered by any provision of the Industrial Disputes Act, 1947, and that the Industrial Tribunal had no jurisdiction to entertain and adjudicate the matter concerning the Central Government Employees. It was pleaded that the emoluments of the claimant were met by the Khadi Prathisthan Sodepur, which was entirely a separate entity, out of the grant sanctioned by the Commission for propaganda and publicity for the reasons that the then Member Incharge of the Commission was the Head of that Institution. It was further pleaded that on relinquishment of the charge of Cottage Match Industry by then Member Incharge of the Commission, sometime in 1962, the Cottage Match Industry was shifted to Bombay and that the question of placement of the staff of the Propaganda Scheme was considered by the Commission and keeping in view the experience and qualifications and suitability, the claimant was appointed as Supervisor-V (now grade III) and that the Commission had not done any injustice to the claimant. It was further pleaded that at the most, the claimant should have been entitled for the post of Supervisor-IV (now grade-II) but under no stretch of imagination, the claimant could be considered for appointment as Supervisor-III (now grade-II). It was then pleaded that the case of the claimant was considered by the Departmental Staff Selection Committee and the claimant was promoted to the post of Supervisor-IV (now grade-II), with effect from 13th October, 1965. It was also pleaded that,—vide letter, dated 28th/30th June, 1978, the Chief Executive Officer of the Commission communicated to the claimant that his initial appointment to the post of Supervisor-IV (now grade-II) had been re-examined which was a typographical mistake, whereas the Chief Executive Officer wanted to convey that the subsequent appointment as Supervisor-IV (now grade-II) met the ends of justice and there was no case for reconsideration.

4. The claimant in his rejoinder, dated 10th September, 1982, reiterated the pleas taken in the claim statement.

5. On the pleadings of the parties, the following issues were framed on 17th September, 1982:—

(1) Whether the present dispute is not an Industrial Dispute ? OPM

(2) Whether the Central Government is the Appropriate Government in making the reference ? OPM.

(3) Whether Shri Vijay Singh, Supervisor (Match) should be appointed an Supervisor-I, with effect from 5th May, 1962 in the pay scale of Rs. 380—640 ? If so, with what details ? OPM.

6. It may be mentioned that issue No. 2 was tried as preliminary issue and,—vide order, dated 29th March, 1983, Issue No. 2 was decided against the management.

7. The management has examined MW-1 Shri V. K. Chopra and the documents, Exhibit M-1 to M-3, have been tendered into evidence. The claimant has appeared in the witness-box and the documents, Exhibit W-1 to W-5 have been tendered into evidence. After going through the entire evidence and hearing the representatives of both the parties, my findings on the above issues are as under :—

ISSUE NO. 1:

8. No evidence has been led by the respondent on this issue. Moreover, the dispute has arisen between the claimant and the management (Commission) which has resulted in making the present reference by the Government to the Industrial Tribunal. Consequently, it is held that the management has failed to prove that the present dispute is not an industrial dispute. The issue is decided accordingly against the respondent.

ISSUE NO. 3:

9. The respondent-management has examined MW-1 Shri V. K. Chopra, Liaison Officer, who stated that 5th May, 1962, the claimant used to work in Khadi Prathisthan Sodepur, West Bengal, and was appointed as Supervisor-V in the regular cadre of the Commission on 5th May, 1962. He further stated that Khadi Prathisthan was an independent unit. He then stated that when the claimant joined regular cadre of the Commission, he prayed that he should be taken as Supervisor-IV on the basis of his experience and his representation was considered at different levels and also by the Departmental Selection Committee, when the claimant was promoted as Supervisor-IV on 13th October, 1965. He further stated that the

claimant did not file any claim for his promotion as Supervisor-III nor did he make any representation before the Commission which has now been claimed by him in this reference. The documents, Exhibit M-1 to M-3, have been proved by the respondent Commission.

10. Shri Vijay Singh claimant has appeared as WW-1 and stated that after six months training he was given stipend of Rs. 60 per month being a Graduate while non-Graduate trainees were given stipend of Rs. 45 per month. He then stated that he was promoted as Propaganda Officer of Cottage Match Industry, Khadi and Village Industries Commission on 1st March, 1960. He further stated that his services were regularised by the Commission with effect from 5th May, 1962 and that the claimant was put in the grade of Rs. 60—130 as Supervisor V. He further stated that during these days, there were three grades, namely, grade III, IV and V in the pay scale of Rs. 100—300, 80—220 and 60—130, respectively, but he stated that,—vide order, Exhibit W-1 he was given the grade of Supervisor-V when he made a representation to the effect that he be given grade-III. He then stated that in 1974-75, grades III, IV and VI were numbered as grades I, II and III, respectively in the pay scale of Rs. 380—640, 330—560 and 260—400, respectively. He also stated that on his representation he was informed,—vide letter, Exhibit W-2, dated 16th September, 1963 that he was being upgraded as Supervisor-IV and that he was promoted as Supervisor, grade-IV,—vide letter, Exhibit W-3, dated 13th October, 1965 when the claimant lodged a protest that he should have been upgraded as Supervisor-I, from the initial stage. He also stated that,—vide letter, Exhibit W-4, dated 28th June, 1978 he was informed that he was appointed as Supervisor-IV from the initial stage. He then stated that Shri B. S. Somana who was a graduate was upgraded as Supervisor IV,—vide letter Exhibit W-1 and, therefore, the claimant being graduate would have been placed at par with him. He then stated that Exhibit W-5 was issued by the Commission informing that the claimant was given the grade of Supervisor-IV from the initial stage. He also stated that the persons, who were actually working under him in Bihar, were given the grade of Supervisor-III and that the claimant be given the grade of Supervisor-III from the initial stage.

11. A perusal of the above evidence would show that the claimant was selected for training

on 26th July, 1959 and after completion of six month's training, the claimant was appointed as Propaganda Officer of the Cottage Match Industry in Bihar State on the consolidated salary of Rs. 100 on 27th June, 1960. This letter was issued by the Cottage Match Industry, Khadi Village Industries Commission, Khadi Prathisthan, Sodepur. Thereafter the claimant was appointed as Supervisor, Grade-V, with effect from 28th February, 1962 whereas Shri R. S. Sammana was appointed as Supervisor, grade IV, with effect from 13th February, 1962,—vide letter, Exhibit W-1, dated 5th March, 1963 and later on the dates of appointment were changed,—vide letter, Exhibit M-1, dated 29th June, 1963 by the Commission and the claimant was appointed, with effect from 5th May, 1962 as Supervisor-V, while Shri R. S. Sammana was appointed as Supervisor, Grade IV, with effect from 11th December, 1962. The letter, Exhibit W-2, dated 16th September, 1963, issued by the Commission shows that the representation made by the claimant in connection with the upgrading of his post to Supervisor grade IV was under consideration of the Commission. The letter, Exhibit W-3, dated 13th October, 1965 shows that the claimant was promoted as Supervisor IV, with effect from 1st February, 1965. The letter, Exhibit W-4, dated 28th/30th June, 1978, issued by the Commission shows that the representation of the claimant had been reconsidered and it was found that the appointment of the claimant to the post of Supervisor, grade II (then Supervisor-IV) from the initial stage was quite in order. Document, Exhibit M-2, dated 20th July, 1978 shows that the claimant made representation in which he prayed that initial appointment be given to him to the post of Supervisor-IV (now grade II), with effect from 5th May, 1962 and promotion to the post of Supervisor-III (now grade-I), in 1964 because his promotion became due in 1964. The document, Exhibit M-3, dated 2nd March, 1979 sent by the Commission shows that the initial appointment to the post of Supervisor-II (then Supervisor-IV), was quite in order. The letter, Exhibit W-5, dated 8th February, 1979, issued by the Commission shows that the case of the claimant had already been examined on several occasions and he had been informed of the decision after his case was seen by the Chairman of the Commission. All this evidence clearly proves that the respondent conceded in their letter, Exhibit W-4, dated 28th/30th June, 1978 that the appointment of the claimant to the post of Supervisor IV (now grade II) in the initial stage

was quite in order. This position was also accepted by the Commission in their letter, Exhibit M-3, dated 2nd March, 1979. It was argued by the representative of the management that there was a typographical error in the letter, Exhibit W-4 due to which it was mentioned that the appointment of the claimant to the post of Supervisor-IV (now grade-II), in the initial stage was quite in order. The argument is without any force because even in the letter, Exhibit M-3, dated 2nd March, 1979, the Commission again clarified that the initial appointment of the claimant to the post of Supervisor-IV (now grade II), was quite in order. The position in both these letters taken by the Commission was the same and as such the question of any typographical mistake in the letter Exhibit W-4 does not arise. The claimant in the first instance took the plea that he should have been appointed Supervisor, Grade-III (now grade I), with effect from 5th May, 1962 the date of initial appointment, but ultimately in his representation copy, Exhibit M-2, dated 20th July, 1978, he too prayed that his initial appointment be made in the post of Supervisor-IV (now grade II), with effect from 5th May, 1962 and he be promoted as Supervisor-III (now grade I), in 1964 because his promotion fell due in that year. It is thus apparent that ultimately both the parties conceded that the claimant should be appointed as Supervisor-IV (now grade-II), with effect from initial date of appointment, i.e., 5th May, 1962. Moreover when Shri R. S. Sammana was also appointed as Supervisor-IV (now grade II), at the time of his initial appointment, the claimant deserves to be appointed as Supervisor-IV (now grade II), with effect from 5th May, 1962 and the claimant (WW-1) also stated in the witness-box that being a Graduate, he should have been placed at par with Shri R. S. Sammana. As such the claimant cannot be appointed as Supervisor-III (now Grade I) from his initial stage when Shri R. S. Sammana was also appointed as Supervisor-IV (now grade II). Consequently, the claimant should be appointed as Supervisor IV (now grade II) with effect from 5th May, 1962, in the old pay scale of Rs. 80—220 and present pay scale of Rs. 330—560.

12. It may be mentioned that the representative of the management argued that prior to 5th May, 1962, the claimant was not in service of the Commission. The argument is without any force because MW-1 Shri V. K. Chopra, Liasion Officer admitted in cross-examination that the claimant had been receiving salary from the Commission

even in the year 1960. Moreover, the letter, dated 27th June, 1960/7th July, 1960 was issued by the Cottage Match Industry, Khadi and Village Industries, Commission. The claimant was, therefore, in service of the Commission even before 5th May, 1962.

13. It was then argued that the claimant could not be given any benefit due to delay and laches on his part, because the reference was made in the year 1982 while the impugned appointment was made, with effect from 5th May, 1962. Reliance was placed on the rulings reported as *Dharam Chand Sood, Assistant Office of the Director, Technical Education, Punjab v. The State of Punjab* (ii) *Director, Technical Education (respondents) (iii) B. B. Bhasin, Superintendent and Engineer, (1973-I) S.L.R. 975, Nahar Singh v. Delhi Administration and others, 1978(II)-S.L.R. 642, H. Venkataramaiah v. Corporation of 'B' Lore and another, 1980(1) S.L.R. 122 and Shri Manohar Lal Madan, Dairy Extension Officer v. The State of Punjab and others, 1973(1) S.L.R. 875*. In all these rulings, it was held that where there was delay and laches on the part of the petitioner, he was not entitled to any relief. All these rulings are distinguishable on facts because in the present case, the claimant was appointed as Supervisor-V on 29th May, 1963, with effect from 5th May, 1962. The letter, Exhibit W-2, dated 16th September, 1963, shows that his representation was under consideration. The claimant, therefore, moved the authorities immediately after his appointment in 1963 and has been perusing his case with the concerned authorities up to 2nd March, 1979,—vide letter, Exhibit M-3 and thereafter the demand notice, dated 13th November, 1981 was filed by him through the Union. The claimant has thus been seeking his remedy since 1963 continuously and as such there was no delay on his part.

14. In view of the above discussion, it is held that the claimant should be appointed as Supervisor-IV (now grade II), with effect from 5th May, 1962 in the old pay scale of Rs. 80—220 and in the present pay scale of Rs. 330—560. The award is passed accordingly.

R. N. BATRA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

The 12th August, 1985.

Endorsement No. 634, dated 13th August, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 19th September, 1985

No. 9/5/84-6Lab/7847.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Foodimp Agencies Pvt. Ltd., Plot No. 100—6, Faridabad.

BEFORE SHRI R. N. BATRA,
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD,

Reference No. 40/1984.
between

SHRI SAJJAN SINGH BHARDWAJ, WORKMAN AND THE MANAGEMENT OF M/S FOODIMP AGENCIES PVT. LTD., PLOT NO. 100—6, FARIDABAD.

Present:

Shri R. P. Singh, for the workman.

Shri R. C. Sharma, for the management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Sajjan Singh Bhardwaj, Workman and the Management of M/s. Foodimp Agencies Private Limited, No. 100, Sector-6, Faridabad, to this Tribunal for adjudication:—

Whether the termination of service of Shri Sajjan Singh Bhardwaj was justified and in order? If not, to what relief is he entitled?

2. Notices were issued to both the parties. The claimant in his claim demand notice dated 25th October, 1983 alleged that he was appointed on 1st October, 1981 as Turner in the respondent factory when charge sheet, dated 9th July, 1983 was given to him. It was then alleged that the enquiry was held against the claimant in which Shri Babu Singh and Shri Rajinder deposed against the charges levelled against the claimant. It was further alleged that the enquiry was conducted in violation of the principles of natural justice and that the order of dismissal dated 17th October, 1983 was illegal and unjustified and as such the claimant was entitled to reinstatement with full back wages.

3. The Management in their written statement dated 10th December, 1984 pleaded that the claimant used to work as Turner, but there was complaint regarding his work and his immediate Supervisor Shri Kurup made a report against the claimant, when the claimant conspired with his brother and some outsiders. It was further pleaded that the brother of the claimant and some other persons caught hold of Shri Kurup when he was coming from duty and was given beating and that his wrist watch and a sum of Rs. 150/- were snatched from Shri Kurup. It was further alledged that the enquiry was held in a fair and proper manner and that the order of dismissal was justified. It was also pleaded that the claimant was gainfully employed.

4. On the pleadings of the parties, the following issues were framed on 16th January, 1985:—

- (1) Whether the enquiry is fair and proper? OPM
- (2) Whether the claimant is gainfully employed as pleaded? OPM
- (3) Whether the termination of service of Shri Sajjan Singh was justified and in order? If not, to what relief is he entitled? OPM

5. It may be mentioned that the Management examined one witness and documents Ex. M-1 to M-22 have been tendered into evidence. The claimant has examined two witnesses and the documents, Ex. W-1 to W-6 have been tendered into evidence. After going through the entire evidenced and hearing the representatives

of both the parties, by findings on the above issues are as under:—

Issue No. 1:

6. The Management has examined MW-1 Shri Devinder Singh Advocate who stated that he was appointed as Enquiry Officer in this case,—vide Letter Ex. M-1 to enquire into charges mentioned in the charge sheet Ex. M-2 and that the claimant participated in the enquiry proceedings and was represented by Shri Dwivedi. He further stated that Ex. M-3 contained day-to-day enquiry proceedings and that the claimant was given opportunity to cross-examine the witnesses produced by the Management and further that the documents Ex. M-4 to M-17 were filed during the enquiry proceedings, while Ex. M-18 was the enquiry report. The documents Ex. M-19 to M-22 have been tendered into evidence by the Management.

7. Shri Sajjan Singh claimant (WW-1) stated that he was employed in the respondent factory as Turner at the rate of Rs. 475/- per month and remained there till 17th October, 1983. He further stated that charge sheet was served to him on 9th July, 1983 and that the enquiry was held by Shri Devinder Singh, but no opportunity was given to the claimant to cross-examine the witnesses produced by the Management. He further stated that he prayed for opportunity to produce defence evidence but no opportunity was granted to him. He also stated that the suspension allowance was paid to him for one month and that no representative was allowed to represent him in the enquiry. He then stated that the letters, Ex. W-1 to W-6, were written by him to the Management. WW-2 Shri Rajinder Singh stated that he appeared in the enquiry as witness against the claimant from the side of the Management, when he told the enquiry Officer that he did not know anything regarding suspension. He further stated that his services were terminated by the Management because he did not support them in the enquiry.

8. A perusal of the above evidence should show that the claimant was charge sheeted on 9th July, 1983 to the effect that on 1st July, 1983 two pieces of Clutch Housings were spoiled by the claimant, thus causing loss of Rs. 700/- to the Management and that the claimant desired that Shri Kurup Supervisor should withdraw the complaint made against the claimant and for

this purpose he conspired with his brother and some outsiders to beat Shri Kurup. The claimant was also charge-sheeted to the effect that on 7th July, 1983 at about 9.35 p.m. Shri Kurup was given a beating by the younger brother of the claimant and other persons when his wrist watch and sum of Rs. 150/- were snatched from Shri Kurup. After considering the explanation of the claimant Shri Devinder Singh Advocate held the enquiry against the claimant and Exhibit M-3 contains day-to-day proceedings of the enquiry. Exhibit M-18 is the enquiry report submitted by the Enquiry Officer in which he found the claimant guilty of the charges levelled against him. The Enquiry Officer examined Shri N. K. Chopra, Incharge Machine Shop, Shri P. R. Kurup Supervisor, Shri Babu Singh and Shri Rajinder Singh from the Management side and Shri Sajjarn Singh appeared before the Enquiry Officer. I have gone through the enquiry proceedings as well as enquiry report. Shri Babu Singh and Shri Rajinder Singh were declared hostile by the Management because they did not support the Management. The Enquiry Officer has believed the testimony of Shri P. R. Kurup, Supervisor and Shri N. K. Chopra, Incharge Machine Shop. The statement of the claimant was considered by the Enquiry Officer, who held that the charges levelled against the claimant stood proved. The Enquiry Officer has given cogent grounds while believing the testimony of Shri N. K. Chopra and Shri P. R. Kurup and rejecting the version of the claimant. Consequently no interference with the findings given by the Enquiry Officer is called for, when the Enquiry Officer has based his findings on the evidence led before him.

9. It was argued by the representative of the claimant that the charge sheet served on the complaint Ex. M-3 was vague and reliance was placed on the ruling reported as *State of Uttar Pradesh Vs Modh Sharif (Dead) through L.Rs.*, 1982-II-LLJ page 180, in which it was laid down that failure to mention particulars of date and time of the alleged misconduct amounted to denial of reasonable opportunity to defend enquiry. This ruling is distinguishable on facts because in the present case, these details have been given in the charge sheet Ex. M-3. The charge sheet, therefore, cannot be called a vague charge-sheet.

10. It was further argued that the findings given by the Enquiry Officer were not based on the evidence. Reliance was placed on the ruling reported as *Samnuggur Jute Factory Company Limited and their workmen*, 1964-1-IIJ-634. In that case there was no evidence to show that any report was made by the Enquiry Officer. The second ruling is *Rajinder Kumar Kindra and Delhi Administration through Secretary (Labour) and Others* 1984-II-LLJ, page 517, in which it is laid down that where the evidence was based on no evidence, the enquiry was vitiated. Both these rulings are distinguishable on facts because in the present case, the report of the Enquiry Officer is based on evidence because he believed the testimony of Shri N. K. Chopra, Incharge Machine Shop and Shri P. R. Kurup Supervisor while Shri Babu Singh and Shri Rajinder Singh were not believed because they were got declared hostile by the Management. In the present case, the enquiry report has been submitted by the Enquiry Officer.

11. It was also argued that copies of the documents were not given to the claimant. The enquiry proceedings dated 7th August, 1983 show that the claimant was asked to inspect the documents which were in possession of the Management. Consequently the claimant was asked by the Enquiry Officer to inspect the documents because the same were in possession of the Management at that time.

12. It was further argued that no opportunity was given to the claimant to produce his representative. Reliance was placed on the ruling reported as *Standard Pottery Works Alwaye and Standard Pottery Works Employees Union and another*, 1981-II-LLJ page 289, in which it was laid down that where the workman was denied assistance of co-worker during the domestic enquiry, the enquiry was vitiated. Enquiry proceedings, Ex. M-3, show that Shri Shatrughan Dwivedi was appointed as representative of the claimant. He took part in the enquiry proceedings upto 4th September, 1983. Thereafter his representative did not appear on 8th September, 1983 on which date the case was adjourned to 11th September, 1983. Mr. Dwivedi did not appear on that date, and the claimant was asked to bring his representative by 11.00 o' clock but he refused to bring his representative. Consequently, the claimant was represented by his representative in the enquiry who later on

absented himself and claimant did not bring any other representative inspite of the opportunity given to him. The ruling is thus distinguishable on facts because in the present case, the representative was appointed, who later on absented himself and the claimant refused to bring any other representative inspite of the opportunity given to him.

13. It was then argued that the claimant was not given opportunity to cross-examine the witness produced by the Management. Reliance was placed on the ruling reported as *Graphite India Ltd. and State of West Bengal and others*, 1989-11-LIJ page 29, in which it is laid down that where the workman was not given an opportunity to cross-examine the witnesses, the rules of natural justice were violated. The ruling is distinguishable on facts because in the present case, Shri Babu Singh and Shri Rajinder Singh were declared hostile by the Management on 4th September, 1983 and they were cross examined by the Management. The claimant was given opportunity to cross-examine these witnesses on 11th September, 1983, but he refused to cross-examine them on the plea that he should have been given the opportunity to cross-examine these witnesses in the first instance. Both these witnesses produced by the Management were declared hostile and as such the Management had to cross examine them in the first instance and thereafter the claimant could cross-examine them. The refusal of the claimant to cross examine these witnesses was thus not in accordance with the law and he did not avail of the opportunity given to him.

14. It was then argued that suspension allowance was not given to the claimant during the enquiry proceedings. Reliance was placed on the ruling reported as *Ghanshyam Dass Shrivastava and State of Madhya Pradesh*, 1973-1-LIJ, page 414, in which it is laid down that where the forest ranger did not participate in the enquiry as his subsistence allowance during the enquiry was not paid, the enquiry was vitiated. This ruling was given in proceedings under Article 311(2) of the constitution which do not apply to the case of the claimant....Moreover not even a single question was put to Shri Devinder Singh Enquiry Officer, when he appeared in the witness box as MW-1 and as such the argument fails. It was then argued that the claimant was not given opportunity to lead defence evidence. The enquiry proceedings Ex. M-3 shows that the

claimant appeared before the Enquiry Officer on 11th September, 1983 and was cross-examined by the opposite side and he made a statement on that date that he had not to produce any other witness and closed his evidence. Consequently, the defence was closed by the claimant himself.

15. In view of the above discussion, it is held that the enquiry was fair and proper. The issue is decided accordingly in favour of the Management.

Issue No. 2.

16. No evidence has been led by the Management on this issue and same is decided accordingly against the Management.

Issue No. 3.

17. While discussing issue No. 1 it has been found that the enquiry was fair and proper. On receipt of the enquiry report Ex. M-18, the second show cause notice Ex. M-19 was given to the claimant. The claimant submitted his reply Ex. M-20 and thereafter the order of dismissal, Copy Ex. 21, was passed against the claimant on 17th October, 1983.

18. It was argued on behalf of the claimant that the punishment awarded to the claimant was disproportionate to the misconduct attributed to him and previous record of the claimant was not taken into consideration while awarding the punishment. The argument of the representative of the Management was that the charges proved against the claimant justified his dismissal and that in any case he was not entitled to reinstatement because the management had already terminated the services of all turners as the workshop had been closed in which the claimant used to work.

19. After hearing the arguments of the representatives of both the sides, it appears that the previous record of the claimant was not considered while awarding punishment. The charges proved against him did not justify his dismissal from service. The order of dismissal is therefore, set aside. The reinstatement of the claimant is neither proper nor possible because the services of all the Turners mentioned in the List Ex. M-22 have been terminated which fact was admittedly the claimant (WW-1) in cross-examination, when he stated that the persons mentioned in the list Ex. M-22 used to work as

Turners, but none of them was employed in the respondent factory now and their services had been terminated. The names of six Turners have been given in this list because the persons at serial No. 7 and 8 were promoted as Supervisors. Consequently, the claimant deserves to be given compensation equivalent to three years wages, which he was drawing on 17th Oct., 1983 in lieu of reinstatement. The award is passed accordingly.

Endst. No. 729, dated 10th September, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes, Act, 1947.

R. N. BATRA,

Dated, the 9th September, 1985.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

The 20th September, 1985.

No. 9/5/84-6Lab/7622.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947. (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. Rama Fibres Ltd. Bamla (Bhiwani).

BEFORE SHRI B. P. JINDAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 59 of 1984

between

SHRI SATYA PAL SINGH, WORKMAN AND THE MANAGEMENT OF M/S
RAMA FIBRES LTD., BAMLA (BHIWANI).

Present.—

Shri S. N. Vats, A. R. for the workman.

Shri S. L. Gupta, A. R. for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana, referred the following dispute, between the workman Shri Satya Pal Singh and the management of M/s. Rama Fibres Ltd, Bamla (Bhiwani), to this Court, for adjudication,—*vide* Labour Department Gazette Notification No. 15750-55, dated 23rd April, 1985.

Whether the termination of services of Shri Satya Pal Singh is justified and in order? If not, to what relief is he entitled?

2. After receipt of the order reference, notices were issued to the parties. The parties appeared. The case of the workman is that he was employed as a Boiling pressman with the respondent since 28th July, 1982 and that the respondent choose to terminate his services on 12th November, 1983 without any prior notice or payment of any retrenchment compensation and as such his termination was in gross violation of the provisions of the Industrial Disputes Act, 1947.

3. In the reply filed by the respondent, preliminary objections taken are that the reference is bad in law, because dispute was never raised by the workman before the Conciliation Officer and that it is a case of abandonment of employment by the workman and as such the dispute is not referable to the Labour Court under section 2-A of the Industrial Disputes Act, 1947. On merits, it is alleged that the workman was employed 15th October, 1982 and not on 28th July, 1982 as alleged. It is further alleged that the services of the workman were never terminated on 12th November, 1983 but he of his own started absenting from duties from the said date without getting any leave sanctioned and that the workman came to the factory premises on 23rd November, 1983, when he could not satisfactorily explain his absence and as such, his name had already been removed from the rolls of the workman in accordance with the Certified standing orders of the company. It is also alleged that the workman was asked to collect his final dues but he refused. So, there is a prayer for rejecting the reference.

4. On the pleading of the parties, the following issues were settled for decision on 5th October, 1984 :—

1. Whether the workman voluntarily abandoned his services if so, to what effect ? OPR.
2. Whether the termination of services of Shri Satya Pal Singh is justified and in order ? If not, to what relief is he entitled ?

5. Before arguments could be heard, the learned Authorised Representative of the workman made a statement in the Court that because of some technical flaws in the reference, the workman does not want prosecute the reference, any further, so the same is dismissed and answered accordingly. There is no order as to cost.

Dated, 20th August, 1985.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

Endst No. 59-84/1441, dated 2nd September, 1985.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Department Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

B. P. JINDAL,

Presiding Officer,
Labour Court, Rohtak.

The 1st October, 1985

No. 9/5/84-6Lab/7906.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Pratap Engineering Works Limited, 15 Mile Stone, Mathura Road, Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 121 of 1983

between

SHRI KALLU SINGH, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
M/S PRATAP ENGINEERING WORKS, LIMITED, 15 MILE STONE, MATHURA
ROAD, FARIDABAD

Present :—

Shri R. C. Sharma for the workman.

Shri L. N. Yadav for the respondent-management.

AWARD

This Industrial dispute between the workman Shri Kallu Singh and the respondent-management of M/s Pratap Engineering Works, Limited, 15, Mile Stone, Mathura Road, Faridabad has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/23/83/13072-77, dated 18th March, 1983, under section 10(i) (c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of service of Shri Kallu Singh was justified and in order ? If not, to what relief is he entitled ?

The admitted facts are that the claimant was appointed on 1st February, 1979 and he was dismissed on 22nd October, 1982 by the respondent-management. It is alleged against the workman that he committed theft of emery cloth and bent iron rod resembling handle of pail. On the 24th June, 1982 he was charge-sheeted. He denied the charges and enquiry was held by Shri L.N. Yadav. It is alleged by the respondent that this enquiry was conducted in accordance with the

principles of natural justice. The workman fully participated in the enquiry. All these averments about the fair and proper enquiry have been denied by the workman. It is further alledged that the workman was falsely charge-sheeted and bogus enquiry was initiated against the workman inspite of satisfactory explanation.

The reference was contested on the following issues.—

1. Whether the enquiry was fair and proper?
2. As per reference?

I have heard the rep. of both the parties and gone the evidence on record. My findings on the issues are as under:—

Issue No. 1 :—

This issue was preliminary issue. Hence it was held by me that enquiry was fair and proper and the charges were not false and bogus.

Issue No. 2 :—

It has been alleged by the representative of the workman that the services of the workman have been malafidely terminated. He had tried to go through the evidence again which was adduced during the enquiry inspite of the fact that the enquiry has been held fair and proper. He has alleged that the workman has been victimised. He has relied upon the judgement of Hon'ble Supreme Court in *M/s. Bharat Iron Works, Vs. Bhagubhai Balubhai Patel*, 1976-LIC page 4, that "Ordinarily a person is victimised, if he is made a victim or a scapegoat and is subjected to prosecution or punishment for no real fault or guilt of his own, in the manner, as it were of a sacrificial victim. It is, therefore, manifest that if actual fault or guilt meriting the punishment is established such action will be rid of the taint of victimisation." In the present case no victimisation has been proved. It has been stated by Shri Sat Narain Joshi that the past record of the workman was also taken into consideration. He was charge-sheeted on a theft of micrometer which is M-23 and M-24 is its reply. This matter was compromised, Ex. M-10 is the complaint by all the workman of the factory against the workman. Ex. M-41 and M-42 are other two chargesheets against the workman. There is no rebuttal of this evidence of the management. Therefore, taking into consideration that the charge of theft is a serious charge and that he has also been previously charge-sheeted for theft and other misconduct, it is evident that the management has lost confidence in him. Hence the order of termination is legal and justified. He is not entitled to any relief. The award is given accordingly.

Dated the 21st August, 1985.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endstt. No. 2596, dated 4th September, 1985.

Forwarded, (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the I. D. Act.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab. & 8179.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. Micro Machine Tools, 31-C, D.L.F., Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT
FARIDABAD

Reference No. 256 of 1985.

Between

SHRI BHAGWAT PARSHAD WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S.
MICRO MACHINE TOOLS 31-C, D.L.F., FARIDABAD

Present:—

Workman in person along with Shri Jawahar Lal.

None for the respondent-management.

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AWARD

This industrial dispute between the workman Shri Bhagwat Parshad and the respondent-management of M/s Micro Machine Tools 31-C D.L.F., Faridabad has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/146-85/16872-77, dated 18th April, 1985, under section 10 (i) (e) of the Industrial Disputes Act, 1947 for adjudication. The terms of reference are:

Whether the termination of services of Shri Bhagwat Parshad was justified and in order ? If not, to what relief is he entitled ?

The manager appeared for the respondent-management, but none appeared for them on 1st August, 1985. Hence the management was proceeded *ex parte*.

According to the demand notice, the workman was appointed six year back. His services were terminated on 28th December, 1984. He has reported the matter to the Labour Department. He has prayed for reinstatement with continuity of service and with full back wages.

In his *ex parte* statement, the workman has appeared as WW-1, and has supported his everments. There is no reason to disbelieve his statement. I, therefore find that his services were illegally terminated on 28th December, 1984. Hence he is entitled to reinstatement with continuity of service and full back wages. The award is given accordingly.

Dated the 4th September, 1985

R. N. SINGAL,
Presiding Officer,
Labour Court Faridabad.

Ends'. No. 2600, dated the 17th September, 1985

Forwarded (four copies) to the Commissioner & Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the I. D. Act.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab./8180.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Daya Nand Public School, Jawahar Colony, Faridabad:—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 140 of 1984

between

SHRIMATI ANAR DEVI, WORKMAN LADY, AND THE RESPONDENT-MANAGEMENT OF
M/S DAYA NAND PUBLIC SCHOOL, JAWAHAR COLONY, FARIDABAD

Present :—

Woman with Shri K. L. Sharma.

Shri Satish Ahuja, for the respondent-management.

AWARD

This industrial dispute between the workman Shrimati Anar Devi, and the respondent-management of M/s Daya Nand Public School, Jawahar Colony, Faridabad has been referred to this court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/2/107/84/25885-90, dated 24th July, 1985, under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shrimati Anar Devi was justified and in order ? If not, to what relief is she entitled ?

The workman has received Rs. 1500 in full and final settlement of her claim. She has no right of reinstatement/re-employment. Her statement has been recorded. In view of her statement, the award is given that the dispute has been fully settled.

Dated, the 4th September, 1985.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 2601, dated 17th September, 1985.

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab/8181.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and management of M/s Kismat Industries Pvt. Ltd., Plot No. 105, Sector 24, Faridabad:—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD
Reference No. 325 of 1985

between

SHRI UMA SHANKAR, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
M/S KISMAT INDUSTRIES PVT. LTD., PLOT NO. 105, SECTOR 24, FARIDABAD

Present:—

Workman in person.
Shri Ram Sarup Arora, for the respondent-management.

AWARD

This industrial dispute between the workman Shri Uma Shankar, and the respondent-management of M/s. Kismat Industries Pvt. Ltd., Plot No. 105, Sector 24, Faridabad under section 10(i) (c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are:—

Whether the termination of services of Shri Uma Shankar was justified and in order ? If not, to what relief is he entitled ?

The workman has settled his dispute with the management. The photo copy of the settlement is Ex. M-1 and he has received Rs. 760 in full and final settlement from M/s. S. K. Fabricators and Contractor. He has no right of reinstatement/re-employment. Hence the award is given that no dispute is pending between the parties.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Endorsement No. 2602, dated the 17th September, 1985

Forwarded (four copies), to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab/8183.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s National Packaging, Link Road, Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 185 of 1984

between

SHRI CHANDERJEET, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S.
NATIONAL PACKAGING, LINK ROAD, FARIDABAD.

Present:—

workman in person alongwith Shri K. L. Sharma.
Shri R. P. Singh for the respondent-management.

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AWARD

This industrial dispute between the workman Shri Chander Jeet and the respondent-management of M/s. National Packaging, Link Road, Faridabad, has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/103-84/27095—100, dated 30th July, 1985 under section 10(1)(c) of the Industrial Disputes Act, 1947 for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Chanderjeet was justified and in order ? If not, to what relief is he entitled ?

The workman has received some amount in full and final settlement of his claim. His statement has been recorded. He has no right of reinstatement/re-employment with the respondent-management. Hence the award is given that dispute has been fully settled.

Dated, the 3rd September, 1985.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 2605, dated the 17th September, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under Section 15 of the I. D. Act.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab/8188.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. National Packaging, Link Road, Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD.

Reference No. 218 of 1984

between

SHRI MEWA LAL, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S NATIONAL
PACKAGING LINK ROAD, FARIDABAD.

Present :—

Workman in Person along with Shri K. L. Sharma.

Shri R. P. Singh, for the respondent-management.

AWARD

This industrial disputes between the workman Shri Mewa Lal and the respondent-management of M/s. National Packaging Link Road, Faridabad has been referred to this Court, by the Hon'ble Governor of Haryana,—*vide* his order No. ID/ID/133-84/27695—700, dated 1st August, 1984, under section 10(1)(c) of the Industrial Disputes Act, 1947, for adjudication. The terms of the reference are :—

Whether the termination of services of Shri Mewa Lal, was justified and in order ? If not, to what relief is he entitled ?

The workman has received some amount in full and final settlement of his claim. His statement has been recorded. He has no right of reinstatement/re-employment with the respondent-management. Hence the award is given that the dispute has been fully settled.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Dated, the 3rd September, 1985.

Endst. No. 2767, dated 19th September, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.